

JONES MAYER
James R. Touchstone, SBN 184584
jrt@jones-mayer.com
Denise Lynch Rocawich, SBN 232792
dlr@jones-mayer.com
3777 North Harbor Boulevard
Fullerton, CA 92835
Telephone: (714) 446-1400
Facsimile: (714) 446-1448

Attorneys for SEAN STEELMON

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NELSON VASQUEZ, individually
and as successor-in-interest to
Decedent, Oscar Vasquez Lopez;
DAYLIN VASQUEZ individually
and as successor-in-interest to
Decedent Oscar Vasquez Lopez;
LUSSY VASQUEZ, individually and
as successor-in-interest to Decedent
Oscar Vasquez Lopez; OSCAR
VASQUEZ, individually and as
successor-in-interest to Decedent
Oscar Vasquez Lopez; K.V., by and
through her Guardian ad litem, Daylin
Vasquez, individually and as
successor- in-interest to Decedent
Oscar Vasquez Lopez; A.V., by and
through his Guardian ad litem, Daylin
Vasquez, individually and as
successor-in-interest to Decedent
Oscar Vasquez Lopez; and JOSE
VASQUEZ LOPEZ, individually,

Plaintiffs,

vs.

CITY OF LOS ANGELES, SEAN
STEELMON; and DOES 2 through
10, inclusive,

Defendants..

Case No: 8:24-cv-02421-FLA (JDE)
Judge: Hon. Fernando L. Aenlle-Rocha
Court Room: 6B

**DEFENDANT SEAN STEELMON'S
ANSWER TO FIRST AMENDED
COMPLAINT FOR DAMAGES**

ANSWER TO FIRST AMENDED COMPLAINT

Answering Plaintiffs' First Amended Complaint for (1) Violation of 42 U.S.C. § 1983 [Excessive Force]; (2) Violation of 42 U.S.C. § 1983 [Unlawful Detention/Arrest]; (3) Violation of 42 U.S.C. § 1983 [Denial of Medical Care]; (4) Violation of 42 U.S.C. § 1983 [Deprivation of Familial Rights]; (5) Violation of 42 U.S.C. § 1983 [Monell Custom or Policy]; (6) Violation of 42 U.S.C. § 1983 [Monell Failure to Train]; (7) Violation of 42 U.S.C. § 1983 [Monell Ratification]; (8) Battery; (9) Negligence; (10) Negligent Infliction of Emotional Distress; and (11) Violation of Civil Code § 52.1, Defendant, Sean Steelmon, admits, denies and alleges as follows:

JURISDICTION AND VENUE

1. Answering paragraph 1 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required. To the extent an answer is required, Steelmon admits that this Court has jurisdiction to hear the claims under 42 U.S.C. § 1983 pursuant to the original jurisdiction afforded under 28 U.S.C. § 1331. Steelmon also admits that this Court currently has supplemental jurisdiction to hear the state law claims. Except as so admitted, Steelmon denies each and every allegation contained in paragraph 1.

2. Answering paragraph 2 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required. To the extent an answer is required, Steelmon admits that venue is proper. Except as so admitted, Steelmon denies each and every allegation contained in paragraph 2.

INTRODUCTION

3. Answering paragraph 3 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required.

1 To the extent an answer is required, Steelmon is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations, and on that basis
3 denies each and every allegation contained therein.

4 4. Answering paragraph 4 of the First Amended Complaint, insofar as
5 the allegations of this paragraph contain legal conclusions, no answer is required.
6 To the extent an answer is required, Steelmon is without sufficient knowledge or
7 information to form a belief as to the truth of the allegations, and on that basis
8 denies each and every allegation contained therein.

9 5. Answering paragraph 5 of the First Amended Complaint, insofar as
10 the allegations of this paragraph contain legal conclusions, no answer is required.
11 To the extent an answer is required, Steelmon is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations, and on that basis
13 denies each and every allegation contained therein.

14
15 **PARTIES**

16 6. Answering paragraph 6 of the First Amended Complaint, Steelmon is
17 without sufficient knowledge or information to form a belief as to the truth of the
18 allegations, and on that basis denies each and every allegation contained therein.

19 7. Answering paragraph 7 of the First Amended Complaint, insofar as
20 the allegations of this paragraph contain legal conclusions, no answer is required.
21 To the extent an answer is required, Steelmon is without sufficient knowledge or
22 information to form a belief as to the truth of the allegations, and on that basis
23 denies each and every allegation contained therein.

24 8. Answering paragraph 8 of the First Amended Complaint, insofar as
25 the allegations of this paragraph contain legal conclusions, no answer is required.
26 To the extent an answer is required, Steelmon is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations, and on that basis
28 denies each and every allegation contained therein.

1 9. Answering paragraph 9 of the First Amended Complaint, insofar as
2 the allegations of this paragraph contain legal conclusions, no answer is required.
3 To the extent an answer is required, Steelmon admits it is a municipal entity.
4 Steelmon specifically denies that it is a charter city. Except as so admitted,
5 Steelmon denies each and every allegation contained in paragraph 9.

6 10. Answering paragraph 10 of the First Amended Complaint, insofar as
7 the allegations of this paragraph contain legal conclusions, no answer is required.
8 To the extent an answer is required, Steelmon is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations, and on that basis
10 denies each and every allegation contained therein.

11 11. Answering paragraph 11 of the First Amended Complaint, insofar as
12 the allegations of this paragraph contain legal conclusions, no answer is required.
13 To the extent an answer is required, Steelmon is without sufficient knowledge or
14 information to form a belief as to the truth of the allegations, and on that basis
15 denies each and every allegation contained therein.

16 12. Answering paragraph 12 of the First Amended Complaint, insofar as
17 the allegations of this paragraph contain legal conclusions, no answer is required.
18 To the extent an answer is required, Steelmon is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations, and on that basis
20 denies each and every allegation contained therein.

21 13. Answering paragraph 13 of the First Amended Complaint, insofar as
22 the allegations of this paragraph contain legal conclusions, no answer is required.
23 To the extent an answer is required, Steelmon is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations, and on that basis
25 denies each and every allegation contained therein.

26 14. Answering paragraph 14 of the First Amended Complaint, insofar as
27 the allegations of this paragraph contain legal conclusions, no answer is required.
28 To the extent an answer is required, Steelmon admits that the City of Los Angeles

1 is a municipal corporation existing under the laws of the State of California and a
2 Charter City. Steelmon further admits that he was employed by the City of Los
3 Angeles at all times relevant to this First Amended Complaint. Except as so
4 expressly admitted, Steelmon denies each and every allegation contained in
5 paragraph 14.

6 15. Answering paragraph 15 of the First Amended Complaint, insofar as
7 the allegations of this paragraph contain legal conclusions, no answer is required.
8 To the extent an answer is required, Steelmon admits that he was a police officer
9 employed by the City of Los Angeles at all times relevant to this First Amended
10 Complaint. Except as so expressly admitted, Steelmon denies each and every
11 allegation contained in paragraph 15.

12 16. Answering paragraph 16 of the First Amended Complaint, insofar as
13 the allegations of this paragraph contain legal conclusions, no answer is required.
14 To the extent an answer is required, Steelmon is without sufficient knowledge or
15 information to form a belief as to the truth of the allegations, and on that basis
16 denies each and every allegation contained therein.

17 17. Answering paragraph 17 of the First Amended Complaint, insofar as
18 the allegations of this paragraph contain legal conclusions, no answer is required.
19 To the extent an answer is required, Steelmon is without sufficient knowledge or
20 information to form a belief as to the truth of the allegations, and on that basis
21 denies each and every allegation contained therein.

22 18. Answering paragraph 18 of the First Amended Complaint, insofar as
23 the allegations of this paragraph contain legal conclusions, no answer is required.
24 To the extent an answer is required, Steelmon is without sufficient knowledge or
25 information to form a belief as to the truth of the allegations, and on that basis
26 denies each and every allegation contained therein.

27 19. Answering paragraph 19 of the First Amended Complaint, insofar as
28 the allegations of this paragraph contain legal conclusions, no answer is required.

1 To the extent an answer is required, Steelmon is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations, and on that basis
3 denies each and every allegation contained therein.

4 20. Answering paragraph 20 of the First Amended Complaint, insofar as
5 the allegations of this paragraph contain legal conclusions, no answer is required.
6 To the extent an answer is required, Steelmon is without sufficient knowledge or
7 information to form a belief as to the truth of the allegations, and on that basis
8 denies each and every allegation contained therein.

9 21. Answering paragraph 21 of the First Amended Complaint, insofar as
10 the allegations of this paragraph contain legal conclusions, no answer is required.
11 To the extent an answer is required, Steelmon is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations, and on that basis
13 denies each and every allegation contained therein.

14 22. Answering paragraph 22 of the First Amended Complaint, insofar as
15 the allegations of this paragraph contain legal conclusions, no answer is required.
16 To the extent an answer is required, Steelmon is without sufficient knowledge or
17 information to form a belief as to the truth of the allegations, and on that basis
18 denies each and every allegation contained therein.

19 23. Answering paragraph 23 of the First Amended Complaint, insofar as
20 the allegations of this paragraph contain legal conclusions, no answer is required.
21 To the extent an answer is required, Steelmon is without sufficient knowledge or
22 information to form a belief as to the truth of the allegations, and on that basis
23 denies each and every allegation contained therein.

24
25 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

26 24. Paragraph 24 of the First Amended Complaint merely incorporates by
27 reference the allegations of previous paragraphs. In answering paragraph 24,
28 Steelmon incorporates its respective admissions and denials to each such paragraph

1 enumerated above.

2 25. Answering paragraph 25 of the First Amended Complaint, insofar as
3 the allegations of this paragraph contain legal conclusions, no answer is required.
4 To the extent an answer is required, Steelmon is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations, and on that basis
6 denies each and every allegation contained therein.

7 26. Answering paragraph 26 of the First Amended Complaint, insofar as
8 the allegations of this paragraph contain legal conclusions, no answer is required.
9 To the extent an answer is required, Steelmon is without sufficient knowledge or
10 information to form a belief as to the truth of the allegations, and on that basis
11 denies each and every allegation contained therein.

12 27. Answering paragraph 27 of the First Amended Complaint, insofar as
13 the allegations of this paragraph contain legal conclusions, no answer is required.
14 To the extent an answer is required, Steelmon is without sufficient knowledge or
15 information to form a belief as to the truth of the allegations, and on that basis
16 denies each and every allegation contained therein.

17 28. Answering paragraph 28 of the First Amended Complaint, insofar as
18 the allegations of this paragraph contain legal conclusions, no answer is required.
19 To the extent an answer is required, Steelmon is without sufficient knowledge or
20 information to form a belief as to the truth of the allegations, and on that basis
21 denies each and every allegation contained therein.

22 29. Answering paragraph 29 of the First Amended Complaint, insofar as
23 the allegations of this paragraph contain legal conclusions, no answer is required.
24 To the extent an answer is required, Steelmon is without sufficient knowledge or
25 information to form a belief as to the truth of the allegations, and on that basis
26 denies each and every allegation contained therein.

27 30. Answering paragraph 30 of the First Amended Complaint, insofar as
28 the allegations of this paragraph contain legal conclusions, no answer is required.

1 To the extent an answer is required, Steelmon is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations, and on that basis
3 denies each and every allegation contained therein.

4 31. Answering paragraph 31 of the First Amended Complaint, insofar as
5 the allegations of this paragraph contain legal conclusions, no answer is required.
6 To the extent an answer is required, Steelmon is without sufficient knowledge or
7 information to form a belief as to the truth of the allegations, and on that basis
8 denies each and every allegation contained therein.

9 32. Answering paragraph 32 of the First Amended Complaint, insofar as
10 the allegations of this paragraph contain legal conclusions, no answer is required.
11 To the extent an answer is required, Steelmon is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations, and on that basis
13 denies each and every allegation contained therein.

14 33. Answering paragraph 33 of the First Amended Complaint, insofar as
15 the allegations of this paragraph contain legal conclusions, no answer is required.
16 To the extent an answer is required, Steelmon is without sufficient knowledge or
17 information to form a belief as to the truth of the allegations, and on that basis
18 denies each and every allegation contained therein.

19 34. Answering paragraph 34 of the First Amended Complaint, insofar as
20 the allegations of this paragraph contain legal conclusions, no answer is required.
21 To the extent an answer is required, Steelmon is without sufficient knowledge or
22 information to form a belief as to the truth of the allegations, and on that basis
23 denies each and every allegation contained therein.

24 35. Answering paragraph 35 of the First Amended Complaint, insofar as
25 the allegations of this paragraph contain legal conclusions, no answer is required.
26 To the extent an answer is required, Steelmon is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations, and on that basis
28 denies each and every allegation contained therein.

1 36. Answering paragraph 36 of the First Amended Complaint, insofar as
2 the allegations of this paragraph contain legal conclusions, no answer is required.
3 To the extent an answer is required, Steelmon is without sufficient knowledge or
4 information to form a belief as to the truth of the allegations, and on that basis
5 denies each and every allegation contained therein.

6 37. Answering paragraph 37 of the First Amended Complaint, insofar as
7 the allegations of this paragraph contain legal conclusions, no answer is required.
8 To the extent an answer is required, Steelmon is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations, and on that basis
10 denies each and every allegation contained therein.

11 38. Answering paragraph 38 of the First Amended Complaint, insofar as
12 the allegations of this paragraph contain legal conclusions, no answer is required.
13 To the extent an answer is required, Steelmon is without sufficient knowledge or
14 information to form a belief as to the truth of the allegations, and on that basis
15 denies each and every allegation contained therein.

16 39. Answering paragraph 39 of the First Amended Complaint, insofar as
17 the allegations of this paragraph contain legal conclusions, no answer is required.
18 To the extent an answer is required, Steelmon is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations, and on that basis
20 denies each and every allegation contained therein.

21
22 **FIRST CLAIM FOR RELIEF**

23 **Unreasonable Search and Seizure - Excessive Force (42 U.S.C. § 1983)**

24 40. Paragraph 40 of the First Amended Complaint merely incorporates by
25 reference the allegations of previous paragraphs. In answering paragraph 40,
26 Steelmon incorporates its respective admissions and denials to each such paragraph
27 enumerated above.

28 41. Answering paragraph 41 of the First Amended Complaint, insofar as

1 the allegations of this paragraph contain legal conclusions, no answer is required.
2 To the extent an answer is required, Steelmon denies each and every allegation
3 contained therein.

4 42. Answering paragraph 42 of the First Amended Complaint, insofar as
5 the allegations of this paragraph contain legal conclusions, no answer is required.
6 To the extent an answer is required, Steelmon is without sufficient knowledge or
7 information to form a belief as to the truth of the allegations, and on that basis
8 denies each and every allegation contained therein.

9 43. Answering paragraph 43 of the First Amended Complaint, insofar as
10 the allegations of this paragraph contain legal conclusions, no answer is required.
11 To the extent an answer is required, Steelmon denies each and every allegation
12 contained therein.

13 44. Answering paragraph 44 of the First Amended Complaint, insofar as
14 the allegations of this paragraph contain legal conclusions, no answer is required.
15 To the extent an answer is required, Steelmon is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations, and on that basis
17 denies each and every allegation contained therein.

18 45. Answering paragraph 45 of the First Amended Complaint, insofar as
19 the allegations of this paragraph contain legal conclusions, no answer is required.
20 To the extent an answer is required, Steelmon denies each and every allegation
21 contained therein.

22 46. Answering paragraph 46 of the First Amended Complaint, insofar as
23 the allegations of this paragraph contain legal conclusions, no answer is required.
24 To the extent an answer is required, Steelmon is without sufficient knowledge or
25 information to form a belief as to the truth of the allegations, and on that basis
26 denies each and every allegation contained therein.

27 47. Answering paragraph 47 of the First Amended Complaint, insofar as
28 the allegations of this paragraph contain legal conclusions, no answer is required.

1 To the extent an answer is required, Steelmon is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations, and on that basis
3 denies each and every allegation contained therein.

4 48. Answering paragraph 48 of the First Amended Complaint, insofar as
5 the allegations of this paragraph contain legal conclusions, no answer is required.
6 To the extent an answer is required, Steelmon is without sufficient knowledge or
7 information to form a belief as to the truth of the allegations, and on that basis
8 denies each and every allegation contained therein.

9
10 **SECOND CLAIM FOR RELIEF**

11 **Violation of 42 U.S.C. § 1983 -- Unlawful Detention/Arrest**

12 49. Paragraph 49 of the First Amended Complaint merely incorporates by
13 reference the allegations of previous paragraphs. In answering paragraph 49,
14 Steelmon incorporates its respective admissions and denials to each such paragraph
15 enumerated above.

16 50. Answering paragraph 50 of the First Amended Complaint, insofar as
17 the allegations of this paragraph contain legal conclusions, no answer is required.
18 To the extent an answer is required, Steelmon is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations, and on that basis
20 denies each and every allegation contained therein.

21 51. Answering paragraph 51 of the First Amended Complaint, insofar as
22 the allegations of this paragraph contain legal conclusions, no answer is required.
23 To the extent an answer is required, Steelmon is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations, and on that basis
25 denies each and every allegation contained therein.

26 52. Answering paragraph 52 of the First Amended Complaint, insofar as
27 the allegations of this paragraph contain legal conclusions, no answer is required.
28 To the extent an answer is required, Steelmon is without sufficient knowledge or

1 information to form a belief as to the truth of the allegations, and on that basis
2 denies each and every allegation contained therein.

3 53. Answering paragraph 53 of the First Amended Complaint, insofar as
4 the allegations of this paragraph contain legal conclusions, no answer is required.
5 To the extent an answer is required, Steelmon is without sufficient knowledge or
6 information to form a belief as to the truth of the allegations, and on that basis
7 denies each and every allegation contained therein.

8 54. Answering paragraph 54 of the First Amended Complaint, insofar as
9 the allegations of this paragraph contain legal conclusions, no answer is required.
10 To the extent an answer is required, Steelmon is without sufficient knowledge or
11 information to form a belief as to the truth of the allegations, and on that basis
12 denies each and every allegation contained therein.

13 55. Answering paragraph 55 of the First Amended Complaint, insofar as
14 the allegations of this paragraph contain legal conclusions, no answer is required.
15 To the extent an answer is required, Steelmon is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations, and on that basis
17 denies each and every allegation contained therein.

18 56. Answering paragraph 56 of the First Amended Complaint, insofar as
19 the allegations of this paragraph contain legal conclusions, no answer is required.
20 To the extent an answer is required, Steelmon is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations, and on that basis
22 denies each and every allegation contained therein.

23 57. Answering paragraph 57 of the First Amended Complaint, insofar as
24 the allegations of this paragraph contain legal conclusions, no answer is required.
25 To the extent an answer is required, Steelmon is without sufficient knowledge or
26 information to form a belief as to the truth of the allegations, and on that basis
27 denies each and every allegation contained therein.
28

THIRD CLAIM FOR RELIEF

Violation of 42 U.S.C. § 1983 -- Denial of Medical Care

58. Paragraph 58 of the First Amended Complaint merely incorporates by reference the allegations of previous paragraphs. In answering paragraph 58, Steelmon incorporates its respective admissions and denials to each such paragraph enumerated above.

59. Answering paragraph 59 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required. To the extent an answer is required, Steelmon is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies each and every allegation contained therein.

60. Answering paragraph 60 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required. To the extent an answer is required, Steelmon is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies each and every allegation contained therein.

61. Answering paragraph 61 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required. To the extent an answer is required, Steelmon is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies each and every allegation contained therein.

62. Answering paragraph 62 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required. To the extent an answer is required, Steelmon is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies each and every allegation contained therein.

63. Answering paragraph 63 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required.

1 To the extent an answer is required, Steelmon is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations, and on that basis
3 denies each and every allegation contained therein.

4 64. Answering paragraph 64 of the First Amended Complaint, insofar as
5 the allegations of this paragraph contain legal conclusions, no answer is required.
6 To the extent an answer is required, Steelmon is without sufficient knowledge or
7 information to form a belief as to the truth of the allegations, and on that basis
8 denies each and every allegation contained therein.

9
10 **FOURTH CLAIM FOR RELIEF**

11 **Violation of 42 U.S.C. § 1983 - Deprivation of Familial Rights**

12 65. Paragraph 65 of the First Amended Complaint merely incorporates by
13 reference the allegations of previous paragraphs. In answering paragraph 49,
14 Steelmon incorporates its respective admissions and denials to each such paragraph
15 enumerated above.

16 66. Answering paragraph 66 of the First Amended Complaint, insofar as
17 the allegations of this paragraph contain legal conclusions, no answer is required.
18 To the extent an answer is required, Steelmon is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations, and on that basis
20 denies each and every allegation contained therein.

21 67. Answering paragraph 67 of the First Amended Complaint, insofar as
22 the allegations of this paragraph contain legal conclusions, no answer is required.
23 To the extent an answer is required, Steelmon is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations, and on that basis
25 denies each and every allegation contained therein.

26 68. Answering paragraph 68 of the First Amended Complaint, insofar as
27 the allegations of this paragraph contain legal conclusions, no answer is required.
28 To the extent an answer is required, Steelmon is without sufficient knowledge or

1 information to form a belief as to the truth of the allegations, and on that basis
2 denies each and every allegation contained therein.

3 69. Answering paragraph 69 of the First Amended Complaint, insofar as
4 the allegations of this paragraph contain legal conclusions, no answer is required.
5 To the extent an answer is required, Steelmon is without sufficient knowledge or
6 information to form a belief as to the truth of the allegations, and on that basis
7 denies each and every allegation contained therein.

8 70. Answering paragraph 70 of the First Amended Complaint, insofar as
9 the allegations of this paragraph contain legal conclusions, no answer is required.
10 To the extent an answer is required, Steelmon is without sufficient knowledge or
11 information to form a belief as to the truth of the allegations, and on that basis
12 denies each and every allegation contained therein.

13 71. Answering paragraph 71 of the First Amended Complaint, insofar as
14 the allegations of this paragraph contain legal conclusions, no answer is required.
15 To the extent an answer is required, Steelmon is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations, and on that basis
17 denies each and every allegation contained therein.

18 72. Answering paragraph 72 of the First Amended Complaint, insofar as
19 the allegations of this paragraph contain legal conclusions, no answer is required.
20 To the extent an answer is required, Steelmon is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations, and on that basis
22 denies each and every allegation contained therein.

23 73. Answering paragraph 73 of the First Amended Complaint, insofar as
24 the allegations of this paragraph contain legal conclusions, no answer is required.
25 To the extent an answer is required, Steelmon is without sufficient knowledge or
26 information to form a belief as to the truth of the allegations, and on that basis
27 denies each and every allegation contained therein.
28

1 74. Answering paragraph 74 of the First Amended Complaint, insofar as
2 the allegations of this paragraph contain legal conclusions, no answer is required.
3 To the extent an answer is required, Steelmon is without sufficient knowledge or
4 information to form a belief as to the truth of the allegations, and on that basis
5 denies each and every allegation contained therein.

6 75. Answering paragraph 75 of the First Amended Complaint, insofar as
7 the allegations of this paragraph contain legal conclusions, no answer is required.
8 To the extent an answer is required, Steelmon is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations, and on that basis
10 denies each and every allegation contained therein.

11
12 **FIFTH CLAIM FOR RELIEF**

13 **Violation of 42 U.S.C. § 1983 -- Monell Custom or Policy**

14 76. Paragraph 76 of the First Amended Complaint merely incorporates by
15 reference the allegations of previous paragraphs. In answering paragraph 76,
16 Steelmon incorporates its respective admissions and denials to each such paragraph
17 enumerated above.

18 77. Answering paragraph 77 of the First Amended Complaint, insofar as
19 the allegations of this paragraph contain legal conclusions, no answer is required.
20 To the extent an answer is required, Steelmon is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations, and on that basis
22 denies each and every allegation contained therein.

23 78. Answering paragraph 78 of the First Amended Complaint, insofar as
24 the allegations of this paragraph contain legal conclusions, no answer is required.
25 To the extent an answer is required, Steelmon is without sufficient knowledge or
26 information to form a belief as to the truth of the allegations, and on that basis
27 denies each and every allegation contained therein.

1 79. Answering paragraph 79 of the First Amended Complaint, insofar as
2 the allegations of this paragraph contain legal conclusions, no answer is required.
3 To the extent an answer is required, Steelmon is without sufficient knowledge or
4 information to form a belief as to the truth of the allegations, and on that basis
5 denies each and every allegation contained therein.

6 80. Answering paragraph 80 of the First Amended Complaint and each of
7 its subdivisions, insofar as the allegations of this paragraph contain legal
8 conclusions, no answer is required. To the extent an answer is required, Steelmon
9 is without sufficient knowledge or information to form a belief as to the truth of the
10 allegations, and on that basis denies each and every allegation contained therein.

11 79¹. Answering paragraph 79 of the First Amended Complaint, insofar as
12 the allegations of this paragraph contain legal conclusions, no answer is required.
13 To the extent an answer is required, Steelmon is without sufficient knowledge or
14 information to form a belief as to the truth of the allegations, and on that basis
15 denies each and every allegation contained therein.

16 80. Answering paragraph 80 of the First Amended Complaint, insofar as
17 the allegations of this paragraph contain legal conclusions, no answer is required.
18 To the extent an answer is required, Steelmon is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations, and on that basis
20 denies each and every allegation contained therein.

21 81. Answering paragraph 81 of the First Amended Complaint and each
22 subdivision therein, insofar as the allegations of this paragraph contain legal
23 conclusions, no answer is required. To the extent an answer is required, Steelmon
24 is without sufficient knowledge or information to form a belief as to the truth of the
25 allegations, and on that basis denies each and every allegation contained therein.

26
27
28 ¹ The numbering of the First Amended Complaint is incorrect from this point forward. For ease of reference, Steelmon uses the incorrect numbering herein.

1 82. Answering paragraph 82 of the First Amended Complaint, insofar as
2 the allegations of this paragraph contain legal conclusions, no answer is required.
3 To the extent an answer is required, Steelmon is without sufficient knowledge or
4 information to form a belief as to the truth of the allegations, and on that basis
5 denies each and every allegation contained therein.

6 83. Answering paragraph 83 of the First Amended Complaint, insofar as
7 the allegations of this paragraph contain legal conclusions, no answer is required.
8 To the extent an answer is required, Steelmon is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations, and on that basis
10 denies each and every allegation contained therein.

11 84. Answering paragraph 84 of the First Amended Complaint, insofar as
12 the allegations of this paragraph contain legal conclusions, no answer is required.
13 To the extent an answer is required, Steelmon is without sufficient knowledge or
14 information to form a belief as to the truth of the allegations, and on that basis
15 denies each and every allegation contained therein.

16 85. Answering paragraph 85 of the First Amended Complaint and each
17 subdivision therein, insofar as the allegations of this paragraph contain legal
18 conclusions, no answer is required. To the extent an answer is required, Steelmon
19 is without sufficient knowledge or information to form a belief as to the truth of the
20 allegations, and on that basis denies each and every allegation contained therein.

21 86. Answering paragraph 86 of the First Amended Complaint, insofar as
22 the allegations of this paragraph contain legal conclusions, no answer is required.
23 To the extent an answer is required, Steelmon is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations, and on that basis
25 denies each and every allegation contained therein.

26 87. Answering paragraph 87 of the First Amended Complaint, insofar as
27 the allegations of this paragraph contain legal conclusions, no answer is required.
28 To the extent an answer is required, Steelmon is without sufficient knowledge or

1 information to form a belief as to the truth of the allegations, and on that basis
2 denies each and every allegation contained therein.

3 88. Answering paragraph 88 of the First Amended Complaint, insofar as
4 the allegations of this paragraph contain legal conclusions, no answer is required.
5 To the extent an answer is required, Steelmon is without sufficient knowledge or
6 information to form a belief as to the truth of the allegations, and on that basis
7 denies each and every allegation contained therein.

8 89. Answering paragraph 89 of the First Amended Complaint, insofar as
9 the allegations of this paragraph contain legal conclusions, no answer is required.
10 To the extent an answer is required, Steelmon is without sufficient knowledge or
11 information to form a belief as to the truth of the allegations, and on that basis
12 denies each and every allegation contained therein.

13 90. Answering paragraph 90 of the First Amended Complaint, insofar as
14 the allegations of this paragraph contain legal conclusions, no answer is required.
15 To the extent an answer is required, Steelmon is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations, and on that basis
17 denies each and every allegation contained therein.

18
19 **SIXTH CLAIM FOR RELIEF**

20 **Violation of 42 U.S.C. § 1983 -- Monell Failure to Train**

21 91. Paragraph 91 of the First Amended Complaint merely incorporates by
22 reference the allegations of previous paragraphs. In answering paragraph 91,
23 Steelmon incorporates its respective admissions and denials to each such paragraph
24 enumerated above.

25 92. Answering paragraph 92 of the First Amended Complaint, insofar as
26 the allegations of this paragraph contain legal conclusions, no answer is required.
27 To the extent an answer is required, Steelmon is without sufficient knowledge or
28 information to form a belief as to the truth of the allegations, and on that basis

1 denies each and every allegation contained therein.

2 93. Answering paragraph 93 of the First Amended Complaint, insofar as
3 the allegations of this paragraph contain legal conclusions, no answer is required.
4 To the extent an answer is required, Steelmon is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations, and on that basis
6 denies each and every allegation contained therein.

7 94. Answering paragraph 94 of the First Amended Complaint, insofar as
8 the allegations of this paragraph contain legal conclusions, no answer is required.
9 To the extent an answer is required, Steelmon is without sufficient knowledge or
10 information to form a belief as to the truth of the allegations, and on that basis
11 denies each and every allegation contained therein.

12 95. Answering paragraph 95 of the First Amended Complaint, insofar as
13 the allegations of this paragraph contain legal conclusions, no answer is required.
14 To the extent an answer is required, Steelmon is without sufficient knowledge or
15 information to form a belief as to the truth of the allegations, and on that basis
16 denies each and every allegation contained therein.

17 96. Answering paragraph 96 of the First Amended Complaint, insofar as
18 the allegations of this paragraph contain legal conclusions, no answer is required.
19 To the extent an answer is required, Steelmon is without sufficient knowledge or
20 information to form a belief as to the truth of the allegations, and on that basis
21 denies each and every allegation contained therein.

22 97. Answering paragraph 97 of the First Amended Complaint and each
23 subdivision therein, insofar as the allegations of this paragraph contain legal
24 conclusions, no answer is required. To the extent an answer is required, Steelmon
25 is without sufficient knowledge or information to form a belief as to the truth of the
26 allegations, and on that basis denies each and every allegation contained therein.

27 98. Answering paragraph 98 of the First Amended Complaint, insofar as
28 the allegations of this paragraph contain legal conclusions, no answer is required.

1 To the extent an answer is required, Steelmon is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations, and on that basis
3 denies each and every allegation contained therein.

4 99. Answering paragraph 99 of the First Amended Complaint and each
5 subdivision therein, insofar as the allegations of this paragraph contain legal
6 conclusions, no answer is required. To the extent an answer is required, Steelmon
7 is without sufficient knowledge or information to form a belief as to the truth of the
8 allegations, and on that basis denies each and every allegation contained therein.

9 100. Answering paragraph 100 of the First Amended Complaint, insofar as
10 the allegations of this paragraph contain legal conclusions, no answer is required.
11 To the extent an answer is required, Steelmon is without sufficient knowledge or
12 information to form a belief as to the truth of the allegations, and on that basis
13 denies each and every allegation contained therein.

14 101. Answering paragraph 101 of the First Amended Complaint, insofar as
15 the allegations of this paragraph contain legal conclusions, no answer is required.
16 To the extent an answer is required, Steelmon is without sufficient knowledge or
17 information to form a belief as to the truth of the allegations, and on that basis
18 denies each and every allegation contained therein.

19 102. Answering paragraph 102 of the First Amended Complaint, insofar as
20 the allegations of this paragraph contain legal conclusions, no answer is required.
21 To the extent an answer is required, Steelmon is without sufficient knowledge or
22 information to form a belief as to the truth of the allegations, and on that basis
23 denies each and every allegation contained therein.

24 103. Answering paragraph 103 of the First Amended Complaint, insofar as
25 the allegations of this paragraph contain legal conclusions, no answer is required.
26 To the extent an answer is required, Steelmon is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations, and on that basis
28 denies each and every allegation contained therein.

1 104. Answering paragraph 104 of the First Amended Complaint, insofar as
2 the allegations of this paragraph contain legal conclusions, no answer is required.
3 To the extent an answer is required, Steelmon is without sufficient knowledge or
4 information to form a belief as to the truth of the allegations, and on that basis
5 denies each and every allegation contained therein.

6
7 **SEVENTH CLAIM FOR RELIEF**

8 **Violation of 42 U.S.C. § 1983 -- Monell Ratification**

9 105. Paragraph 105 of the First Amended Complaint merely incorporates
10 by reference the allegations of previous paragraphs. In answering paragraph 105,
11 Steelmon incorporates its respective admissions and denials to each such paragraph
12 enumerated above.

13 106. Answering paragraph 106 of the First Amended Complaint, insofar as
14 the allegations of this paragraph contain legal conclusions, no answer is required.
15 To the extent an answer is required, Steelmon is without sufficient knowledge or
16 information to form a belief as to the truth of the allegations, and on that basis
17 denies each and every allegation contained therein.

18 107. Answering paragraph 107 of the First Amended Complaint, insofar as
19 the allegations of this paragraph contain legal conclusions, no answer is required.
20 To the extent an answer is required, Steelmon is without sufficient knowledge or
21 information to form a belief as to the truth of the allegations, and on that basis
22 denies each and every allegation contained therein.

23 108. Answering paragraph 108 of the First Amended Complaint, insofar as
24 the allegations of this paragraph contain legal conclusions, no answer is required.
25 To the extent an answer is required, Steelmon is without sufficient knowledge or
26 information to form a belief as to the truth of the allegations, and on that basis
27 denies each and every allegation contained therein.

1 109. Answering paragraph 109 of the First Amended Complaint, insofar as
2 the allegations of this paragraph contain legal conclusions, no answer is required.
3 To the extent an answer is required, Steelmon is without sufficient knowledge or
4 information to form a belief as to the truth of the allegations, and on that basis
5 denies each and every allegation contained therein.

6 110. Answering paragraph 110 of the First Amended Complaint, insofar as
7 the allegations of this paragraph contain legal conclusions, no answer is required.
8 To the extent an answer is required, Steelmon is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations, and on that basis
10 denies each and every allegation contained therein.

11 111. Answering paragraph 111 of the First Amended Complaint and each
12 subdivision therein, insofar as the allegations of this paragraph contain legal
13 conclusions, no answer is required. To the extent an answer is required, Steelmon
14 is without sufficient knowledge or information to form a belief as to the truth of the
15 allegations, and on that basis denies each and every allegation contained therein.

16 112. Answering paragraph 112 of the First Amended Complaint, insofar as
17 the allegations of this paragraph contain legal conclusions, no answer is required.
18 To the extent an answer is required, Steelmon is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations, and on that basis
20 denies each and every allegation contained therein.

21 113. Answering paragraph 113 of the First Amended Complaint and each
22 subdivision therein, insofar as the allegations of this paragraph contain legal
23 conclusions, no answer is required. To the extent an answer is required, Steelmon
24 is without sufficient knowledge or information to form a belief as to the truth of the
25 allegations, and on that basis denies each and every allegation contained therein.

EIGHTH CLAIM FOR RELIEF

Battery

114. Paragraph 114 of the First Amended Complaint merely incorporates by reference the allegations of previous paragraphs. In answering paragraph 114, Steelmon incorporates its respective admissions and denials to each such paragraph enumerated above.

115. Answering paragraph 115 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required. To the extent an answer is required, Steelmon is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies each and every allegation contained therein.

116. Answering paragraph 116 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required. To the extent an answer is required, Steelmon is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies each and every allegation contained therein.

117. Answering paragraph 117 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required. To the extent an answer is required, Steelmon is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies each and every allegation contained therein.

118. Answering paragraph 118 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required. To the extent an answer is required, Steelmon is without sufficient knowledge or information to form a belief as to the truth of the allegations, and on that basis denies each and every allegation contained therein.

119. Answering paragraph 119 of the First Amended Complaint, insofar as the allegations of this paragraph contain legal conclusions, no answer is required.

1 To the extent an answer is required, Steelmon is without sufficient knowledge or
2 information to form a belief as to the truth of the allegations, and on that basis
3 denies each and every allegation contained therein.

4
5 **NINTH CLAIM FOR RELIEF**

6 **Negligence**

7 120. Paragraph 120 of the First Amended Complaint merely incorporates
8 by reference the allegations of previous paragraphs. In answering paragraph 120,
9 Steelmon incorporates its respective admissions and denials to each such paragraph
10 enumerated above.

11 121. Answering paragraph 121 of the First Amended Complaint and each
12 subdivision therein, insofar as the allegations of this paragraph contain legal
13 conclusions, no answer is required. To the extent an answer is required, Steelmon
14 is without sufficient knowledge or information to form a belief as to the truth of the
15 allegations, and on that basis denies each and every allegation contained therein.

16 122. Answering paragraph 122 of the First Amended Complaint, insofar as
17 the allegations of this paragraph contain legal conclusions, no answer is required.
18 To the extent an answer is required, Steelmon is without sufficient knowledge or
19 information to form a belief as to the truth of the allegations, and on that basis
20 denies each and every allegation contained therein.

21 123. Answering paragraph 123 of the First Amended Complaint, insofar as
22 the allegations of this paragraph contain legal conclusions, no answer is required.
23 To the extent an answer is required, Steelmon is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations, and on that basis
25 denies each and every allegation contained therein.

26 124. Answering paragraph 124 of the First Amended Complaint, insofar as
27 the allegations of this paragraph contain legal conclusions, no answer is required.
28 To the extent an answer is required, Steelmon is without sufficient knowledge or

1 information to form a belief as to the truth of the allegations, and on that basis
2 denies each and every allegation contained therein.

3
4 **TENTH CLAIM FOR RELIEF**

5 **Negligent Infliction of Emotional Distress**

6 125. Paragraph 125 of the First Amended Complaint merely incorporates
7 by reference the allegations of previous paragraphs. In answering paragraph 125,
8 Steelmon incorporates its respective admissions and denials to each such paragraph
9 enumerated above.

10 126. Answering paragraph 126 of the First Amended Complaint, insofar as
11 the allegations of this paragraph contain legal conclusions, no answer is required.
12 To the extent an answer is required, Steelmon is without sufficient knowledge or
13 information to form a belief as to the truth of the allegations, and on that basis
14 denies each and every allegation contained therein.

15 127. Answering paragraph 127 of the First Amended Complaint, insofar as
16 the allegations of this paragraph contain legal conclusions, no answer is required.
17 To the extent an answer is required, Steelmon is without sufficient knowledge or
18 information to form a belief as to the truth of the allegations, and on that basis
19 denies each and every allegation contained therein.

20 128. Answering paragraph 128 of the First Amended Complaint, insofar as
21 the allegations of this paragraph contain legal conclusions, no answer is required.
22 To the extent an answer is required, Steelmon is without sufficient knowledge or
23 information to form a belief as to the truth of the allegations, and on that basis
24 denies each and every allegation contained therein.

25 129. Answering paragraph 129 of the First Amended Complaint, insofar as
26 the allegations of this paragraph contain legal conclusions, no answer is required.
27 To the extent an answer is required, Steelmon is without sufficient knowledge or
28 information to form a belief as to the truth of the allegations, and on that basis

1 denies each and every allegation contained therein.

2 130. Answering paragraph 130 of the First Amended Complaint, insofar as
3 the allegations of this paragraph contain legal conclusions, no answer is required.
4 To the extent an answer is required, Steelmon is without sufficient knowledge or
5 information to form a belief as to the truth of the allegations, and on that basis
6 denies each and every allegation contained therein.

7 131. Answering paragraph 131 of the First Amended Complaint and each
8 subdivision therein, insofar as the allegations of this paragraph contain legal
9 conclusions, no answer is required. To the extent an answer is required, Steelmon
10 is without sufficient knowledge or information to form a belief as to the truth of the
11 allegations, and on that basis denies each and every allegation contained therein.

12
13 **ELEVENTH CLAIM FOR RELIEF**

14 **Violation of Civil Code § 52.1**

15 132. Paragraph 132 of the First Amended Complaint merely incorporates
16 by reference the allegations of previous paragraphs. In answering paragraph 132,
17 Steelmon incorporates its respective admissions and denials to each such paragraph
18 enumerated above.

19 133. Answering paragraph 133 of the First Amended Complaint, insofar as
20 the allegations of this paragraph contain legal conclusions, no answer is required.
21 To the extent an answer is required, Steelmon is without sufficient knowledge or
22 information to form a belief as to the truth of the allegations, and on that basis
23 denies each and every allegation contained therein.

24 134. Answering paragraph 134 of the First Amended Complaint, insofar as
25 the allegations of this paragraph contain legal conclusions, no answer is required.
26 To the extent an answer is required, Steelmon is without sufficient knowledge or
27 information to form a belief as to the truth of the allegations, and on that basis
28 denies each and every allegation contained therein.

1 135. Answering paragraph 135 of the First Amended Complaint, insofar as
2 the allegations of this paragraph contain legal conclusions, no answer is required.
3 To the extent an answer is required, Steelmon is without sufficient knowledge or
4 information to form a belief as to the truth of the allegations, and on that basis
5 denies each and every allegation contained therein.

6 136. Answering paragraph 136 of the First Amended Complaint, insofar as
7 the allegations of this paragraph contain legal conclusions, no answer is required.
8 To the extent an answer is required, Steelmon is without sufficient knowledge or
9 information to form a belief as to the truth of the allegations, and on that basis
10 denies each and every allegation contained therein.

11 137. Answering paragraph 137 of the First Amended Complaint, insofar as
12 the allegations of this paragraph contain legal conclusions, no answer is required.
13 To the extent an answer is required, Steelmon is without sufficient knowledge or
14 information to form a belief as to the truth of the allegations, and on that basis
15 denies each and every allegation contained therein.

16 138. Answering paragraph 138 of the First Amended Complaint and each
17 subdivision therein, insofar as the allegations of this paragraph contain legal
18 conclusions, no answer is required. To the extent an answer is required, Steelmon
19 is without sufficient knowledge or information to form a belief as to the truth of the
20 allegations, and on that basis denies each and every allegation contained therein.

21 139. Answering paragraph 139 of the First Amended Complaint, insofar as
22 the allegations of this paragraph contain legal conclusions, no answer is required.
23 To the extent an answer is required, Steelmon is without sufficient knowledge or
24 information to form a belief as to the truth of the allegations, and on that basis
25 denies each and every allegation contained therein.

26 140. Answering paragraph 140 of the First Amended Complaint and each
27 subdivision therein, insofar as the allegations of this paragraph contain legal
28 conclusions, no answer is required. To the extent an answer is required, Steelmon

1 is without sufficient knowledge or information to form a belief as to the truth of the
2 allegations, and on that basis denies each and every allegation contained therein.

3 141. Answering paragraph 141 of the First Amended Complaint and each
4 subdivision therein, insofar as the allegations of this paragraph contain legal
5 conclusions, no answer is required. To the extent an answer is required, Steelmon
6 is without sufficient knowledge or information to form a belief as to the truth of the
7 allegations, and on that basis denies each and every allegation contained therein.

8 142. Answering paragraph 142 of the First Amended Complaint and each
9 subdivision therein, insofar as the allegations of this paragraph contain legal
10 conclusions, no answer is required. To the extent an answer is required, Steelmon
11 is without sufficient knowledge or information to form a belief as to the truth of the
12 allegations, and on that basis denies each and every allegation contained therein.

13 143. Answering paragraph 143 of the First Amended Complaint and each
14 subdivision therein, insofar as the allegations of this paragraph contain legal
15 conclusions, no answer is required. To the extent an answer is required, Steelmon
16 is without sufficient knowledge or information to form a belief as to the truth of the
17 allegations, and on that basis denies each and every allegation contained therein.

18 144. Answering paragraph 144 of the First Amended Complaint and each
19 subdivision therein, insofar as the allegations of this paragraph contain legal
20 conclusions, no answer is required. To the extent an answer is required, Steelmon
21 is without sufficient knowledge or information to form a belief as to the truth of the
22 allegations, and on that basis denies each and every allegation contained therein.

23 145. Answering paragraph 145 of the First Amended Complaint and each
24 subdivision therein, insofar as the allegations of this paragraph contain legal
25 conclusions, no answer is required. To the extent an answer is required, Steelmon
26 is without sufficient knowledge or information to form a belief as to the truth of the
27 allegations, and on that basis denies each and every allegation contained therein.

28

AFFIRMATIVE DEFENSES

In addition to each of the admissions and denials set forth above, Steelmon asserts the following affirmative defenses. The assertion of an affirmative defense shall not negate, by any means, Plaintiffs' burden of proof on any element of their claims.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim for Relief)

Steelmon alleges that neither the First Amended Complaint, nor any claim for relief asserted therein, asserts facts sufficient to constitute a claim against Steelmon.

SECOND AFFIRMATIVE DEFENSE

(Assumption of Risk)

Steelmon alleges the Decedent voluntarily assumed all risks, responsibility and liability for the alleged injuries or damages, if any, sustained by Plaintiffs.

THIRD AFFIRMATIVE DEFENSE

(Claims Barred by Govt. Code § 820.2)

Steelmon alleges that each and every state law claim for relief contained in Plaintiffs' First Amended Complaint is barred by the provisions of Government Code section 820.2. Specifically, except as otherwise provided by statute, a public employee is not liable for an injury resulting from his act or omission where the act or omission was the result of the exercise of the discretion vested in him, whether or not such discretion be abused.

FOURTH AFFIRMATIVE DEFENSE

(Claims Barred by Govt. Code § 820.4)

Steelmon alleges that each and every state law claim for relief contained in Plaintiffs' First Amended Complaint is barred by the provisions of Government Code section 820.4. Specifically, a public employee is not liable for his act or omission, exercising due care, in the execution or enforcement any law.

FIFTH AFFIRMATIVE DEFENSE

(Claims Barred by Govt. Code § 820.8)

Steelmon alleges that each and every state law claim for relief contained in Plaintiffs' First Amended Complaint is barred by the provisions of Government Code section 820.8. Specifically, except as otherwise provided by statute, a public employee is not liable for an injury caused by the act or omission of another person.

SIXTH AFFIRMATIVE DEFENSE

(Claims Barred by Govt. Code § 845)

Steelmon alleges that each and every state law claim for relief contained in Plaintiffs' First Amended Complaint is barred by the provisions of Government Code section 845. Specifically, neither a public entity nor a public employee is liable for failure to establish a police department or otherwise to provide police protection service or, if police protection service is provided, for failure to provide sufficient police protection service.

SEVENTH AFFIRMATIVE DEFENSE

(Claims Barred by Govt. Code § 845.8)

Steelmon alleges that each and every state-law claim for relief contained in Plaintiffs' First Amended Complaint is barred by the provision of Government

1 Code section 845.8. Specifically, neither a public entity, nor a public employee is
2 liable for any injury caused by (1) an escaping or escaped prisoner; (2) an escaping
3 or escaped arrested person; or (3) a person resisting arrest.

4
5 **EIGHTH AFFIRMATIVE DEFENSE**

6 (Claims Barred by Govt. Code § 845.6)

7 Steelmon alleges that each and every state-law claim for relief contained in
8 Plaintiffs' First Amended Complaint is barred by the provision of Government
9 Code section 845.6. Specifically, neither a public entity, nor a public employee is
10 liable for any injury proximately caused by the failure of the employee to furnish
11 or obtain medical care for a prisoner in his custody

12
13 **NINTH AFFIRMATIVE DEFENSE**

14 (Claims Barred by Govt. Code § 855.6)

15 Steelmon alleges that each and every state-law claim for relief contained in
16 Plaintiffs' First Amended Complaint is barred by the provision of Government
17 Code section 855.6. Specifically, neither a public entity, nor a public employee is
18 liable for any injury proximately caused by the failure to make a physical or mental
19 examination, or to make an adequate physical or mental examination, of any
20 person for the purpose of determining whether such person has a disease or
21 physical or mental condition that would constitute a hazard to the health or safety
22 of himself or others.

23
24 **TENTH AFFIRMATIVE DEFENSE**

25 (Claims Barred by Govt. Code § 856.4)

26 Steelmon alleges that each and every state-law claim for relief contained in
27 Plaintiffs' First Amended Complaint is barred by the provision of Government
28 Code section 856.4. Specifically, neither a public entity, nor a public employee is

1 liable for any injury resulting from the failure to admit a person to a public medical
2 facility.

3
4 **ELEVENTH AFFIRMATIVE DEFENSE**

5 (Failure to Mitigate Damages)

6 Steelmon alleges that though under a duty to do so, Plaintiffs and/or the
7 Decedent have failed and neglected to mitigate the alleged damages, and therefore
8 cannot recover against Steelmon whether as alleged, or otherwise. Steelmon
9 alleges that Plaintiffs and/or the Decedent failed to exercise a duty to mitigate and
10 limit the damage claim as to Steelmon, which acts and omissions by Plaintiffs
11 and/or the Decedent have estopped Plaintiffs and/or the Decedent from asserting
12 any claim for damages or seeking the relief requested against Steelmon.

13
14 **TWELFTH AFFIRMATIVE DEFENSE**

15 (Estoppel)

16 Steelmon alleges that each and every claim for relief contained in Plaintiffs'
17 First Amended Complaint is barred by the equitable doctrine of estoppel.

18
19 **THIRTEENTH AFFIRMATIVE DEFENSE**

20 (Unclean Hands)

21 Steelmon alleges that each and every claim for relief contained in Plaintiffs'
22 First Amended Complaint is barred by the equitable doctrine of unclean hands.

23
24 **FOURTEENTH AFFIRMATIVE DEFENSE**

25 (Lawful Conduct)

26 Steelmon alleges that its conduct and the conduct of Steelmon and DOE
27 Officers was, at all times, reasonable and lawful under the circumstances.

1 **FIFTEENTH AFFIRMATIVE DEFENSE**

2 (Privilege)

3 Steelmon alleges that its conduct and the conduct of Steelmon and DOE
4 Officers was, at all times, justified and privileged.

5
6 **SIXTEENTH AFFIRMATIVE DEFENSE**

7 (Acts or Omissions of Plaintiff)

8 Steelmon alleges that, to the extent Plaintiffs suffered any damages, which
9 Steelmon denies, they were caused solely by the actions or omissions of the
10 Decedent.

11
12 **SEVENTEENTH AFFIRMATIVE DEFENSE**

13 (Legal and/or Proximate Cause)

14 Steelmon alleges that his acts were not the legal and/or proximate cause of
15 any of the damages alleged by Plaintiffs.

16
17 **EIGHTEENTH AFFIRMATIVE DEFENSE**

18 (Comparative Negligence)

19 Steelmon alleges that each and every claim for relief stated in Plaintiffs'
20 First Amended Complaint is barred and/or subject to offset and reduction by virtue
21 of the comparative negligence of the Decedent and/or others persons.

22
23 **NINETEENTH AFFIRMATIVE DEFENSE**

24 (Apportionment)

25 Steelmon alleges that, if Plaintiffs suffered or sustained any loss or damage
26 as alleged in the First Amended Complaint, such loss or damage was proximately
27 caused and contributed to by persons or entities other than Steelmon. The liability
28 of all defendants, named or unnamed, should be apportioned according to the

1 relative degrees of fault, and the liability of Steelmon should be reduced
2 accordingly.

3
4 **TWENTIETH AFFIRMATIVE DEFENSE**

5 (Offset)

6 Steelmon alleges that any amount for which it is held liable and owing to
7 Plaintiffs is offset by any and all amounts recovered by Plaintiffs from any other
8 responsible parties, such that Steelmon's liability will be reduced in an amount
9 corresponding to those amounts recovered by Plaintiffs from such other
10 responsible parties.

11
12 **TWENTY FIRST AFFIRMATIVE DEFENSE**

13 (Waiver)

14 Steelmon alleges that Plaintiffs and/or the Decedent have engaged in
15 conduct and activities sufficient to constitute a waiver of any alleged duty, act or
16 omission of any nature by Steelmon, which waiver serves to preclude any recovery
17 here sought by Plaintiffs.

18
19 **TWENTY SECOND AFFIRMATIVE DEFENSE**

20 (No Special Relationship)

21 Steelmon allege that there was no special relationship between Steelmon and
22 the Decedent. See C.A. v. William S. Hart Union High School Dist., 53 Cal. 4th
23 861, 877 (Cal. 2012); see also de Villers v. County of San Diego, 156 Cal. App.
24 4th 238, 249-50 (2007).

25
26 **TWENTY THIRD AFFIRMATIVE DEFENSE**

27 (Claims Barred Due to Exercise of Reasonable Force)

28 Steelmon alleges that each and every claim for relief contained in Plaintiffs'

1 First Amended Complaint is barred because, the force used was reasonable under
2 the circumstances.

3
4 **TWENTY FOURTH AFFIRMATIVE DEFENSE**

5 (Probable Cause of Threat)

6 Steelmon alleges that each and every claim for relief contained in Plaintiffs'
7 First Amended Complaint is barred because Steelmon had probable cause to
8 believe that the Decedent posed a threat of serious physical harm to Steelmon or
9 others.

10
11 **TWENTY FIFTH AFFIRMATIVE DEFENSE**

12 (Avoidable Consequences)

13 Steelmon alleges that the damages asserted by Plaintiffs in the First
14 Amended Complaint are barred, either in whole or in part, by the doctrine of
15 avoidable consequences. State Department of Health Services v. Superior Court,
16 31 Cal.4th 1026, 6 Cal. Rptr. 3d 441 (2003).

17
18 **TWENTY SIXTH AFFIRMATIVE DEFENSE**

19 (Claims Barred Due to Reasonable and Probable Cause to Detain)

20 Steelmon alleges that each and every claim for relief contained in Plaintiffs'
21 First Amended Complaint is barred because, at all times mentioned in Plaintiffs'
22 First Amended Complaint herein, Steelmon had reasonable and probable cause to
23 detain and restrain the Decedent

24 .

25 **TWENTY SEVENTH AFFIRMATIVE DEFENSE**

26 (Speculative Damages)

27 Steelmon alleges that Plaintiffs' claims for damages are barred, either in
28 whole or in part, because Plaintiffs' purported damages are remote, speculative

1 and/or unavailable as a matter of law.

2
3 **TWENTY EIGHTH AFFIRMATIVE DEFENSE**

4 (Qualified Immunity)

5 Steelmon alleges that each and every federal claim for relief contained in the
6 First Amended Complaint is barred because Steelmon alleges that Steelmon and
7 DOE Officers are entitled to qualified immunity.

8
9 **TWENTY NINTH AFFIRMATIVE DEFENSE**

10 (No Deliberate Indifference)

11 Steelmon alleges that each and every federal claim for relief contained in the
12 First Amended Complaint is barred because any and all acts taken by Steelmon or
13 DOE Defendants occurred in the proper exercise of police powers without
14 deliberate indifference to any of Decedent's or Plaintiffs' rights.

15
16 **THIRTIETH AFFIRMATIVE DEFENSE**

17 (Reservation of Additional Affirmative Defenses)

18 Steelmon alleges that it is without sufficient information as to the nature and
19 scope of Plaintiffs' claims for relief to be able to be fully assess and set forth all
20 potentially-applicable affirmative defenses in this matter. Accordingly, Steelmon
21 hereby reserves the right to allege additional affirmative defenses as further
22 information becomes known.

23
24 **PRAYER FOR RELIEF**

25 WHEREFORE, Steelmon prays as follows:

- 26 1. That Plaintiffs take nothing by reason of their First Amended
27 Complaint, and that judgment be entered in favor of Steelmon;
28 2. That Steelmon be awarded costs of suit and attorney's fees incurred in

1 defense of this action pursuant to 42 U.S.C. § 1988 and other legal grounds; and

2 3. For such other and further relief as the Court deems just and proper.

3
4
5 Dated: June 12, 2025

Respectfully submitted,

6 JONES MAYER

7
8 By: *s/Denise Lynch Rocawich*
9 JAMES R. TOUCHSTONE
10 DENISE LYNCH ROCAWICH
11 Attorneys for Sean Steelmon
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28